

Zoning Text Amendment No.: 20-06
Concerning: Surface Parking –
Residential Zones
Draft No. & Date: 2– 11/7/2020
Introduced: November 10, 2020
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmembers Hucker and Riemer

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the definition of “Surface Parking for Use Allowed in the Zone”;
- allow site plan approval to supersede a special exception for parking in a residential detached zone under certain circumstances; and
- generally amend the provisions for Surface Parking for Use Allowed in the Zone

By amending the following sections of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

Division 3.5. “Commercial Uses”
Section 3.5.9. “Parking”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 3.5. Commercial Uses

* * *

Section 3.5.9. Parking

A. Defined, In General

Parking means a lot or structure that provides parking for motor vehicles where the facility is the principal use and a fee may be charged.

B. Structured Parking

Defined

Structured Parking means a one or more level free-standing structure for parking or storing motor vehicles that does not share a common floor or ceiling with another use allowed in the zone. Structured Parking does not include Surface Parking.

C. Surface Parking for Use Allowed in the Zone

1. Defined

Surface parking for Use Allowed in the Zone means surface parking in connection with any permitted or limited use allowed in the zone where no building or other use requiring parking is on the same lot, or surface parking allowed in a detached residential zone by a special exception approved before October 30, 2014.

2. Use Standards

Where Surface Parking for Use Allowed in the Zone is allowed as a limited use, it must satisfy the following standards:

a. Where a sketch plan is required, the surface parking is only allowed as part of an approved phasing plan and the Planning Board finds that the layout is safe, efficient, and compatible with adjacent development.

b. Where a sketch plan is not required[,];

- i. the parking setbacks must accommodate the landscaping required under Section 6.2.9[.]; and
- ii. [In] in the CRT, CR, LSC, and EOF zones:
 - (a) the surface parking must be providing parking for a use on an abutting lot or be a municipal public parking lot; and
 - (b) for properties on a business district street, site plan approval is required under Section 7.3.4. The Planning Board must find that the surface parking supports commercial or residential uses that substantially conform with the recommendations of the applicable master plan.
- iii. Where parking located in a residential detached zone was approved as a special exception in connection with a commercial use, site plan approval under Section 7.3.4 may supersede the previously approved special exception at the option of the applicant.

Sec. 2. Effective date. This ordinance becomes effective immediately upon the Council's adoption.

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council